

DEC 09 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISRAEL ARREOLA-CONTRERAS,

Defendant - Appellant.

No. 12-30406

D.C. No. 6:03-cr-60082-HO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Ann Aiken, Chief Judge, Presiding

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Israel Arreola-Contreras appeals pro se from the district court's order affirming, upon reconsideration, its prior order denying his motion to compel the United States Probation Office for the District of Oregon to respond to the Bureau of Prisons' May 4, 2012, letter notifying the Probation Office of Arreola-

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Contreras's assertion that his presentence report contained incorrect information regarding his citizenship. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Contrary to Arreola-Contreras's contention, the district court did not abuse its discretion by denying mandamus relief under 28 U.S.C. § 1361. Arreola-Contreras has not established that he is entitled to the extraordinary remedy of mandamus. *See Fallini v. Hodel*, 783 F.2d 1343, 1345 (9th Cir. 1986) (“Mandamus relief is only available . . . if (1) the plaintiff's claim is clear and certain; (2) the duty of the officer is ministerial and so plainly prescribed as to be free from doubt; and (3) no other adequate remedy is available.” (citations and internal quotations omitted)).

AFFIRMED.